

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2998 OF 2014**

Shri Mohammed Ayub Manzoor Ahmed Shaikh
& Anr.

....Petitioners.

Versus

Mumbai Municipal Corporation & Ors.

...Respondents.

Mr.Firoz A. Ansari advocate for the Petitioners.

Mr. J.P.Yagnik, APP for the respondent-State.

Mr. H.S.Pimple, advocate for the respondent no.1.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESAI, JJ.**

DATED : January 8, 2015.

P.C.:

Heard.

2 Petitioner does not dispute that he is carrying trade of selling cold-drinks and ice-creams in the premises 104/106 Ismail Curtey Road, Mumbai-400 003. He also does not dispute that he has made an application to the BMC for licence under Section 394 of the Bombay Municipal Corporation Act, 1888 (In short 'BMC Act') and same is not granted to him so far. Petitioner relies upon the licence under the FSS Act, 2006 and Shop Act licence granted under the provisions of Maharashtra Shops and Establishment Act, 1948. Fact remains that in

view of the provisions of Section 394 of the BMC Act, petitioner is obliged to obtain licence from the BMC also, since the trade , which he carries falls within the provisions of Section 394(1)(e)(i) of the said Act.

3 In the above circumstances, we do not find any merit in the petition and the same is, accordingly, dismissed.

(RANJIT MORE, J.)

(ANUJA PRABHUDESAI, J.)